

REMARKS

Claim Amendments

Claims 194, 198, 200-206, 209, 211-218, 220, 223, 237, 240-241 and 249 are amended herein. Claims 199, 207, 208 and 210 have been canceled. New claims 253-301 have been added. Accordingly, upon entry of the amendments, claims 194-198, 200-206, 209 and 211-301 are pending.

Support for these amendments can be found throughout the application as filed. No new matter has been added.

Oath

This application has been accorded Rule 1.47(a) status. *See* Decision According Status under 37 CFR 1.47(a), filed with Applicants Submission of Missing Parts in Application on October 12, 2004. As such, Applicants have shown that the non-signing inventor has refused to join in the filing of the above-identified application.

Specification

The specification has been amended to update the status of applications and include a reference to Figures 16A and B. Applicants respectfully note a reference for Figure 3C is found in the last sentence of paragraph [0040]. Accordingly, Applicants request withdrawal of the objections to the specification.

Claim Objections

Claims 205, 206, 208, 220, 223, 237, 241 and 242¹ are objected.

Claim 205 and 206 has been amended to recite “nucleic.” Claim 208 has been canceled. Claims 220 and 223 have been amended to improve the syntax as suggested in the Office Action. Claim 237 has been amended to depend from claim 194 and to recite “ligand.” Claim 241 has

¹ The objection over claim 242 appears to be a typographical error as this claim does not recite “high throughput.” Applicants note that Claim 249 includes the recitation of “high throughput” and has been amended to add a hyphen as suggested in the Office Action.

been amended to recite “wherein the binding assay.” Applicants appreciate the helpful suggestions in the Office Action.

In light of these amendments and remarks, Applicants request withdrawal of the claim objections.

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 194-252 stand rejected on written description and scope of enablement grounds because they encompass methods for screening all umami taste receptors, including those which hybridize to SEQ ID NOS: 8 or 9, fragments thereof, or those “at least 90% identical to SEQ ID NO: 5 or 7.”

As amended, the claims recite methods of identifying a compound that potentially modulates T1R1/T1R3 (umami) associated taste wherein said T1R1 and T1R3 are polypeptides and are encoded by specific SEQ ID NOs, encoded by nucleic acid sequences that hybridize to specific SEQ ID NOs under stringent hybridization conditions, or are amino acid sequences having at least 95% sequence identity to specific SEQ ID NOs. The claims have also been amended to delete the recitation of fragments.

Claims 194-252 also stand rejected on enablement grounds because, the specification, while being enabling for methods of screening for compounds which modulate SEQ ID NOS: 4, 5 and 7, does not reasonably provide enablement for methods of screening for compounds which elicit a response in the SEQ ID NO: 4 or 5/7 dimer.

Applicants have amended the claims to delete the recitation of “elicits.” As amended, the claims relate to screening and identifying compounds that modulate the activity of the T1R1/T1R3 receptor. Methods of screening and identifying compounds that modulate the activity of this G-protein coupled receptor may be performed using well known techniques detailed in the specification and dependent claims. *See e.g.*, paragraphs [0197]-[0238] of the specification.

In light of these amendments and remarks, Applicants respectfully request withdrawal of the written description and enablement rejections.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 194-252 are rejected over the phrase “elicits.” Applicants have amended the claims to delete the reference to “elicits.”

Claims 198-206 and 208-217 are rejected over the phrase “contained in.” Applicants have canceled claim 208 and amended the remaining claims to change “contained in” to “of.”

Claims 205-207 are rejected because SEQ ID NO: 9 does not encode SEQ ID NO: 5. Applicants have canceled claim 207 and amended claims 205-206 to recite “SEQ ID NO: 8” as suggested in the Office Action.

Claims 206 and 218 are rejected over the phrase “stringency conditions.” Applicants have amended the claims to recite exact hybridization conditions as suggested in the Office Action.

Claims 207, 208 and 218 are rejected over the phrase “in association with.” Applicants have canceled claims 207-208 and amended claim 218 to delete “in association with.”

Provisional Obviousness-Type Double Patenting

The Office Action provisionally rejected claims 194-252 under the judicially created doctrine of obviousness-type double patenting over claims 194-229 of co-pending Application No. 10/725,080 and claims 194-234 of co-pending Application No. 10/725,489.

Applicants respectfully request this rejection be held in abeyance until this application is condition for allowance.

CONCLUSION

It is believed that these amendments and remarks should place this application in condition for allowance. A notice to that effect is respectfully solicited. If the Examiner has any questions relating to this response or the application in general he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

It is believed that no fees are required for entry of this response, but should any fees be necessary, the Commissioner is authorized to charge such fees to the undersigned's **Deposit Account No. 50-0206**.

Respectfully submitted,

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